

Applicant: P. Bonutti
Application No.: 10/755,995
Examiner: D. Reip

Remarks

Claims 1-26 and 30-44 are pending in the application and are presented for the Examiner's review and consideration. Claims 1, 8, 10, 12, 13, 22, 25, 31, 33, 40, and 41 have been amended, and claims 27-29 have been canceled. Claims 43 and 44 have been added. Applicant believes the claim amendments and accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Claim Rejections

Claims 1, 10-13, 22-26, 30-33, and 40-42 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,609,635 to Michelson ("Michelson"). Claims 2-9, 14-21, and 34-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Michelson in view of U.S. Patent No. 4,394,370 to Jefferies ("Jefferies"). In response, Applicant respectfully submits that these rejections should be withdrawn.

To further define the present invention, Applicant has amended independent claims 1, 13, and 31 to include, *inter alia*, a wedge body/member having a thin end portion, a thick end portion, a first major side surface which extends from the thin end portion to the thick end portion, a second major side surface which intersects the first major side surface to form an edge at the thin end portion and extends from the thin end portion to the thick end portion, and a minor side surface which extends between the first and second major side surfaces and tapers from the thick end portion to the thin end portion. Applicant contends that Michelson, alone or in combination with Jefferies, fails to teach or suggest all the elements of the claims 1, 13, and 31. Based on their dependencies, Applicant further contends that claims 2-12, 14-26, 30, and 32-44 are patentable as well.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be

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appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due for this submission. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 780-A02-021-4).

Respectfully submitted,



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